

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

Game And Technology Co., Ltd.
701-44, 29, Saujung-Ro 74 Beon-Gil
Gyeonggi-Do
Gimpo-Si, Republic of Korea

Plaintiff,

v.

Blizzard Entertainment
9825 Spectrum Drive
Austin TX 78717

and

Blizzard Entertainment
16215 Alton Parkway
Irvine, California 92618

Defendant

Civil Action No.:

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Game And Technology, Co. LTD, (GAT) brings this Complaint for patent infringement against Defendant Blizzard Entertainment as follows.

JURISDICTION AND VENUE

1. This is an action for patent infringement under Title 35 of the United States Code §§281 and 271 (a) (b) and/or (c) for infringement of US Patent 7,682,243 (the '243 patent); US Patent 8,035,649 (the '649 patent) and US Patent 8,253,743 (the '743 Patent).

2. This Court has jurisdiction over patent claims under 35 U.S.C. §281 and 28 U.S.C. §§1331, 1338(a) providing for federal question jurisdiction of actions relating to patents and trademarks.

3. Defendant is currently engaged in making, using, offering for sale and selling, devices and systems which infringe claims of the '243 patent throughout the United States, including sales within this judicial district. Defendant is also inducing others to sell and use and contributing to the manufacture, sale and use of infringing products. Defendant is also practicing methods, contributing to the practice of methods and inducing others to practice methods which infringe claims of the '243 patent.

4. Defendant is currently engaged in making, using, offering for sale and selling, devices and systems which infringe claims of the '649 patent throughout the United States, including sales within this judicial district. Defendant is also inducing others to sell and use and contributing to the manufacture, sale of infringing products. Defendant is also practicing methods, contributing to the practice of methods and inducing others to practice methods which infringe claims of the '649 patent.

5. Defendant is currently engaged in making, using, offering for sale and selling, devices and systems which infringe claims of the '743 patent throughout the United States, including sales within this judicial district. Defendant is also inducing others to sell and use and contributing to the manufacture, sale of infringing products. Defendant is also practicing methods, contributing to the practice of methods and inducing others to practice methods which infringe claims of the '743 patent.

6. Jurisdiction and Venue is proper in this District pursuant to 28 U.S.C. §1391(b) and (c)(2) and §1400(a) and (b). Plaintiff is a foreign corporation registered to do business in Texas and Defendant is a domestic corporation incorporated in California and sells accused products into this Judicial District and operates systems within this judicial district.

THE PARTIES AND GENERAL ALLEGATIONS

7. Plaintiff, Game And Technology, Co. LTD is a Korean corporation and is the owner of the entire interest in and to United States Letters Patent Numbers 7,682,243 which issued on March 23, 2010, naming Mr. Byoung Wook Kim as the sole inventor.

8. Plaintiff, Game And Technology, Co. LTD is a Korean corporation and is the owner of the entire interest in and to United States Letters Patent Numbers 8,035,649 which issued on October 11, 2011, naming Mr. Dae Il Kim as the sole inventor.

9. Plaintiff, Game And Technology, Co. LTD is a Korean corporation and is the owner of the entire interest in and to United States Letters Patent Numbers 8,253,743 which issued on August 28, 2012, naming Mr. Joon-Mahn Lee as the sole inventor.

10. Defendant, Blizzard Entertainment, upon information and belief, is a domestic corporation existing under the laws of the state of California.

11. Blizzard Entertainment manufactures and distributes nationwide, a video game known as World of Warcraft.

12. Blizzard Entertainment manufactures and distributes nationwide, a video game known as DIABLO3.

THE 7,682,243 PATENT IN SUIT

13. U. S. Patent 7,682,243, filed in 2004, is entitled "*Method for Providing Online Game Which Changes Pilot Data and Unit Data in Gear and System Thereof.*"

14. U.S. Patent 7,682,243 includes exemplary independent method claim 1:

Claim 1. An online game providing method for providing a pilot and a unit associated with the pilot at an online game, the method comprising the steps of:

controlling an online game such that a player can manipulate a pilot and a unit associated with said pilot, said pilot being a game character operated by a

player, said pilot representing the player, said unit being a virtual object controlled by the player;

maintaining a unit information database, the unit information database recording unit information on said unit, in which the unit information includes ability of said unit and sync point information;

maintaining a pilot information database, the pilot information database recording pilot information on said pilot, in which the pilot information includes a unit identifier indicating said unit associated with said pilot, ability of said pilot and the ability of said unit associated with said pilot;

receiving a request for update on first pilot ability information of a first pilot;

searching for unit identifier information associated with the first pilot by referring to the pilot information database;

searching for sync point information associated with the searched unit identifier information by referring to the unit information database; and

updating and recording the first pilot ability information and unit ability information associated therewith in accordance with the searched sync point information such that said ability of unit is changed proportionally to changes in ability of the pilot by referring to said sync point,

wherein said sync point information is a ratio of which changes in said ability of pilot are applied to said ability of unit, and said steps of searching for unit identifier information and of searching for sync point information are performed by a processor.

and exemplary device claim 6:

Claim 6. One or more storage media having stored thereon a computer program that, when executed by one or more processors, causes the one or more processors to perform acts including:

controlling an online game such that a player can manipulate a pilot and a unit associated with said pilot, said pilot being a game character operated by a player, said pilot representing the player, said unit being a virtual object controlled by the player;

maintaining a unit information database, the unit information database recording unit information on said unit, in which the unit information includes ability of said unit and sync point information;

maintaining a pilot information database, the pilot information database recording pilot information on said pilot, in which the pilot information includes a unit identifier indicating said unit associated with said pilot, ability of said pilot and the ability of said unit associated with said pilot;

receiving a request for update on first pilot ability information of a first pilot;

searching for unit identifier information associated with the first pilot by referring to the pilot information data base;

searching for sync point information associated with the searched unit identifier information by referring to the unit information database; and

updating and recording the first pilot ability information and unit ability information associated therewith in accordance with the searched sync point information such that said ability of unit is changed proportionally to changes in ability of the pilot by referring to said sync point,

wherein said sync point information is a ratio of which changes in said ability of pilot are applied to said ability of unit.

and exemplary system claim 7:

Claim 7. An online game providing system for providing a pilot and a unit associated with the pilot at an online game, the system comprising:

a unit information database, the unit information database recording unit information on at least one unit, in which the unit information includes ability of said unit and sync point information;

a pilot information database, the pilot information database recording pilot information on at least one pilot, in which the pilot information includes a unit identifier indicating said unit associated with said pilot, said pilot being a game character operated by a player, said pilot representing the player, said unit being a virtual object controlled by the player, ability of said pilot and the ability of said unit associated with said pilot;

an updating request receiving module, the updating request receiving module receiving a request for update on first pilot ability information of a first pilot;

an information search module, the information search module searching for unit identifier information associated with the pilot by referring to the pilot information database, the information search module searching for sync point

information associated with the searched unit identifier information by referring to the unit information database; and

a database updating module, a database updating module updating and recording first pilot ability information and unit ability information associated therewith in accordance with the searched sync point information such that said ability of unit is changed proportionally to changes in ability of the pilot by referring to said sync point,

wherein said sync point information is a ratio of which changes in said ability of pilot are applied to said ability of unit.

THE 8,035,649 PATENT IN SUIT

15. U. S. Patent 8,035,649, filed in 2004, is entitled "*Method and System for Renewing Screen.*"

16. U.S. Patent 8,035,649 includes exemplary independent method claim 1:

Claim 1. A method of updating images displayed on a display device, the method comprising:

identifying image resource data associated with an update event for a first image from a basic recording space when the update event for the first image occurs;

loading the identified image resource data in a buffer space including a plurality of buffers, in which the image resource data are loaded in rotation on the buffer by frame, respectively;

generating the first image at a first frame rate by sequentially rendering the loaded image resource data;

generating a second image associated with an update event for the second image at a second frame rate when the update event for the second image occurs, the generation of the second image being substantially independent from the generation of the first image such that image resource data of the second image is not loaded in the buffer space;

compositing the first image with the second image; and

updating at least a portion of the display device to display the composite image,

wherein the second image is generated without being rendered.

and exemplary device claim 12:

Claim 12. A non-transitory computer readable storage medium encoded with a program for executing the method recited in claim 1.

and exemplary system claim 13:

Claim 13. A system for updating images displayed on a display device, the system comprising:

- a basic recording space to store image resource data;
- an identification module to identify image source data associated with an update event for a first image from the basic recording space when the update event for the first image occurs;

- a loading module to sequentially load the identified image resource data for each buffer by frame in a buffer space including a plurality of the buffers;

- a first image generating module to sequentially determine the image resource data loaded on the buffer, to render the determined image resource data, and to generate the first image at a first frame rate;

- a second image generating module to generate a second image associated with a second image update event at a second frame rate when the update event for the second image occurs, second image data not being loaded on a buffer; and

- a display module to generate an entire image by compositing the first image with the second image and to display the entire image on a predetermined display module,

wherein the second image is generated without being rendered.

THE 8,253,743 PATENT IN SUIT

17. U. S. Patent 8,253,743, filed in 2004, is entitled "*Method and System for Providing Character Having Game Item Functions.*"

18. U.S. Patent 8,253,743 includes exemplary independent method claim 1:

Claim 1. A method for generating a character associated with a character generating system comprising a gamvatar provider, a gamvatar controller, and a game server, the method comprising:

- providing an avatar to a user accessing an avatar shop via a network, the avatar comprising multiple layers for displaying avatar functions or performing game item functions by using the respective layers; and

combining each of a plurality of game item functions with the avatar by adding the respective layers to the avatar to create a gamvatar associated with the plurality of the game item functions,

wherein the gamvatar is configured to be used to perform the plurality of the game item functions and each of the plurality of game item functions being combined with the respective layers is exhausted in response to detection of each time of using the each of the plurality of game item functions associated with playing a game provided by the game server.

and exemplary device claim 6:

Claim 6. A non-transitory computer-readable medium comprising an executable program which, when executed, performs the steps of:

providing an avatar to a user accessing an avatar shop, the avatar comprising a plurality of layers for displaying avatar functions or performing game item functions by using respective layers; and

combining each of a plurality of game item functions being selected with the avatar by adding the respective layers to the avatar to create a gamvatar associated with the a game item functions,

wherein the gamvatar is configured to be used to perform the the plurality of the game item functions and each of the plurality of game item functions being combined with the respective layers is exhausted in response to detection of each time of using the each of the plurality of game item functions associated with playing a game provided by the game server using the gamvatar.

and exemplary system claim 7:

Claim 7. A system for generating a character via a network, the system comprising:

an avatar provider to provide an avatar in response to detection of accessing an avatar shop, the avatar comprising multiple layers for displaying avatar functions or performing game item functions by using the respective layers;

a gamvatar provider to combine the selected game item functions with the avatar by adding the respective layers to the avatar to create a gamvatar being combined with the selected game character associated with a plurality of the game item functions; and

a gamvatar controller to edit the gamvatar corresponding to the respective

layers of the avatar associated with the selected game item function,

wherein the gamvatar is configured to be used to perform the plurality of the game item functions and each of the plurality of game item functions being combined with the respective layers is exhausted in response to detection of each time of using the each of the plurality of game item functions associated with playing a game, and

wherein a database is configured to store information of the gamvatar.

THE ACCUSED PRODUCTS

19. Blizzard Entertainment manufactures, maintains, sells and distributes nationwide, a video game known as World of Warcraft. Blizzard Entertainment maintains an on-line game known as World of Warcraft and provides user access to participate in on-line game play of World of Warcraft. World of Warcraft supports pilot and unit data, for example in the form of a rider and a mount, wherein the ability of the mount is related to the skill of the rider.

20. Blizzard Entertainment manufactures, maintains, sells and distributes nationwide, a video game known as World of Warcraft. Blizzard Entertainment maintains an on-line game known as World of Warcraft and provides user access to participate in on-line game play of World of Warcraft. World of Warcraft composites multiple images onto a common display device.

21. Blizzard Entertainment manufactures, maintains, sells and distributes nationwide, a video game known as DIABLO III. Blizzard Entertainment maintains an on-line game known as DIABLO III and provides user access to participate in on-line game play of DIABLO III. DIABLO III composites multiple images onto a common display device.

22. Blizzard Entertainment manufactures, maintains, sells and distributes nationwide, a video game known as World of Warcraft. Blizzard Entertainment maintains an on-line game known as World of Warcraft and provides user access to participate in on-line game play of

World of Warcraft. World of Warcraft provides multiple appearances for avatars based on selection of game item functions.

COUNT I
WORLD OF WARCRAFT INFRINGEMENT OF THE 7,682,243 PATENT

23. Blizzard Entertainment has infringed and continues to infringe one or more of the claims of the '243 patent by: (i) making, using, importing, selling and/or offering for sale, devices and/or systems which infringe the claims of the '243 Patent; (ii) practicing methods which infringe one or more of the claims of the '243 Patent; (iii) contributing to the manufacture, use and/or sale of devices and/or systems which infringe the claims of the '243 Patent; (iv) inducing the use and/or sale of devices and/or systems which infringe the claims of the '243 Patent; (v) contributing to the practicing of methods which infringe the claims of the '243 Patent and/or (vi) inducing the practicing of methods which infringe the claims of the '243 Patent, through the activities of Blizzard Entertainment in connection with World of Warcraft, including the activities described above.

24. Blizzard Entertainment has induced and continues to induce others to infringe one or more of the claims of the '243 patent, through sales of infringing products which are resold and through the sale of infringing products which are used in an infringing manner to infringe one or more of the claims of the '243 patent, and/or which are used and/or can be used in a method which infringes the method claims of the '243 patent.

25. Blizzard Entertainment has infringed and continues to infringe the method claims of the '243 patent and has practiced and continues to practice methods, which infringe the method claims of the '243 Patent, and sells products which induce others to practice methods which infringe the claims of the '243 patent.

26. Blizzard Entertainment has contributed to the infringement of the '243 patent through its activities which contribute to devices, systems and/or methods which infringe the devices, systems and/or methods claimed in the '243 patent.

27. Plaintiff is the owner by assignment of all right title and interest to and has had standing to sue for infringement of United States Letters Patent 7,682,243.

28. Upon information and belief, Defendant Blizzard Entertainment currently infringes and has infringed one or more of the claims of the '243 Patent under 35 U.S.C. §271 by the activities as described above.

29. The infringement by Blizzard Entertainment is direct and indirect, contributory and by inducement.

30. Plaintiff is entitled to recover damages from Blizzard Entertainment including reasonable royalties and lost profits, sustained as a result of Blizzard Entertainment's infringing acts under 35 U.S.C. §271 and §284.

31. Defendant has been aware of Plaintiff's rights in the patents in suit and of Plaintiffs' intent to enforce those rights. Defendant has, with full knowledge of those rights, willfully proceeded to infringe, in disregard of Plaintiff's rights. Plaintiff is entitled to enhanced damages under 35 U.S.C. §284.

COUNT II
WORLD OF WARCRAFT INFRINGEMENT OF THE 8,035,649 PATENT

32. Blizzard Entertainment has infringed and continues to infringe one or more of the claims of the '649 patent by: (i) making, using, importing, selling and/or offering for sale, devices and/or systems which infringe the claims of the '649 Patent; (ii) practicing methods

which infringe one or more of the claims of the '649 Patent; (iii) contributing to the manufacture, use and/or sale of devices and/or systems which infringe the claims of the '649 Patent; (iv) inducing the use and/or sale of devices and/or systems which infringe the claims of the '649 Patent; (v) contributing to the practicing of methods which infringe the claims of the '649 Patent and/or (vi) inducing the practicing of methods which infringe the claims of the '649 Patent, through the activities of Blizzard Entertainment in connection with World of Warcraft, including the activities described above.

33. Blizzard Entertainment has induced and continues to induce others to infringe one or more of the claims of the '649 patent, through sales of infringing products which are resold and through the sale of infringing products which are used in an infringing manner to infringe one or more of the claims of the '649 patent, and/or which are used and/or can be used in a method which infringes the method claims of the '649 patent.

34. Blizzard Entertainment has infringed and continues to infringe the method claims of the '649 patent and has practiced and continues to practice methods, which infringe the method claims of the '649 Patent, and sells products which induce others to practice methods which infringe the claims of the '649 patent.

35. Blizzard Entertainment has contributed to the infringement of the '649 patent through its activities which contribute to devices, systems and/or methods which infringe the devices, systems and/or methods claimed in the '649 patent.

36. Plaintiff is the owner by assignment of all right title and interest to and has had standing to sue for infringement of United States Letters Patent 8,035,649.

37. Upon information and belief, Defendant Blizzard Entertainment currently infringes and has infringed one or more of the claims of the '649 Patent under 35 U.S.C. §271 by

the activities as described above.

38. The infringement by Blizzard Entertainment is direct and indirect, contributory and by inducement.

39. Plaintiff is entitled to recover damages from Blizzard Entertainment including reasonable royalties and lost profits, sustained as a result of Blizzard Entertainment's infringing acts under 35 U.S.C. §271 and §284.

40. Defendant has been aware of Plaintiff's rights in the patents in suit and of Plaintiffs' intent to enforce those rights. Defendant has, with full knowledge of those rights, willfully proceeded to infringe, in disregard of Plaintiff's rights. Plaintiff is entitled to enhanced damages under 35 U.S.C. §284.

COUNT III
DIABLO III INFRINGEMENT OF THE 8,035,649 PATENT

41. Blizzard Entertainment has infringed and continues to infringe one or more of the claims of the '649 patent by: (i) making, using, importing, selling and/or offering for sale, devices and/or systems which infringe the claims of the '649 Patent; (ii) practicing methods which infringe one or more of the claims of the '649 Patent; (iii) contributing to the manufacture, use and/or sale of devices and/or systems which infringe the claims of the '649 Patent; (iv) inducing the use and/or sale of devices and/or systems which infringe the claims of the '649 Patent; (v) contributing to the practicing of methods which infringe the claims of the '649 Patent and/or (vi) inducing the practicing of methods which infringe the claims of the '649 Patent, through the activities of Blizzard Entertainment in connection with DIABLO III, including the activities described above.

42. Blizzard Entertainment has induced and continues to induce others to infringe one

or more of the claims of the '649 patent, through sales of infringing products which are resold and through the sale of infringing products which are used in an infringing manner to infringe one or more of the claims of the '649 patent, and/or which are used and/or can be used in a method which infringes the method claims of the '649 patent.

43. Blizzard Entertainment has infringed and continues to infringe the method claims of the '649 patent and has practiced and continues to practice methods, which infringe the method claims of the '649 Patent, and sells products which induce others to practice methods which infringe the claims of the '649 patent.

44. Blizzard Entertainment has contributed to the infringement of the '649 patent through its activities which contribute to devices, systems and/or methods which infringe the devices, systems and/or methods claimed in the '649 patent.

45. Plaintiff is the owner by assignment of all right title and interest to and has had standing to sue for infringement of United States Letters Patent 8,035,649.

46. Upon information and belief, Defendant Blizzard Entertainment currently infringes and has infringed one or more of the claims of the '649 Patent under 35 U.S.C. §271 by the activities as described above.

47. The infringement by Blizzard Entertainment is direct and indirect, contributory and by inducement.

48. Plaintiff is entitled to recover damages from Blizzard Entertainment including reasonable royalties and lost profits, sustained as a result of Blizzard Entertainment's infringing acts under 35 U.S.C. §271 and §284.

49. Defendant has been aware of Plaintiff's rights in the patents in suit and of Plaintiffs' intent to enforce those rights. Defendant has, with full knowledge of those rights,

willfully proceeded to infringe, in disregard of Plaintiff's rights. Plaintiff is entitled to enhanced damages under 35 U.S.C. §284.

COUNT IV
WORLD OF WARCRAFT INFRINGEMENT OF THE 8,253,743 PATENT

50. Blizzard Entertainment has infringed and continues to infringe one or more of the claims of the '743 patent by: (i) making, using, importing, selling and/or offering for sale, devices and/or systems which infringe the claims of the '743 Patent; (ii) practicing methods which infringe one or more of the claims of the '743 Patent; (iii) contributing to the manufacture, use and/or sale of devices and/or systems which infringe the claims of the '743 Patent; (iv) inducing the use and/or sale of devices and/or systems which infringe the claims of the '743 Patent; (v) contributing to the practicing of methods which infringe the claims of the '743 Patent and/or (vi) inducing the practicing of methods which infringe the claims of the '743 Patent, through the activities of Blizzard Entertainment in connection with World of Warcraft, including the activities described above.

51. Blizzard Entertainment has induced and continues to induce others to infringe one or more of the claims of the '743 patent, through sales of infringing products which are resold and through the sale of infringing products which are used in an infringing manner to infringe one or more of the claims of the '743 patent, and/or which are used and/or can be used in a method which infringes the method claims of the '743 patent.

52. Blizzard Entertainment has infringed and continues to infringe the method claims of the '743 patent and has practiced and continues to practice methods, which infringe the method claims of the '743 Patent, and sells products which induce others to practice methods which infringe the claims of the '743 patent.

53. Blizzard Entertainment has contributed to the infringement of the '743 patent through its activities which contribute to devices, systems and/or methods which infringe the devices, systems and/or methods claimed in the '743 patent.

54. Plaintiff is the owner by assignment of all right title and interest to and has had standing to sue for infringement of United States Letters Patent 7,682,743.

55. Upon information and belief, Defendant Blizzard Entertainment currently infringes and has infringed one or more of the claims of the '743 Patent under 35 U.S.C. §271 by the activities as described above.

56. The infringement by Blizzard Entertainment is direct and indirect, contributory and by inducement.

57. Plaintiff is entitled to recover damages from Blizzard Entertainment including reasonable royalties and lost profits, sustained as a result of Blizzard Entertainment's infringing acts under 35 U.S.C. §271 and §284.

58. Defendant has been aware of Plaintiff's rights in the patents in suit and of Plaintiffs' intent to enforce those rights. Defendant has, with full knowledge of those rights, willfully proceeded to infringe, in disregard of Plaintiff's rights. Plaintiff is entitled to enhanced damages under 35 U.S.C. §284.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

59. That Defendant be held to have infringed U.S. Patent No. 7,682,243 under 35 U.S.C. §271.

60. That Defendant acted with knowledge of the '243 patent in suit.

61. That Defendant be held to have infringed U.S. Patent No. 8,035,649 under 35

U.S.C. §271.

62. That Defendant acted with knowledge of the '649 patent in suit.

63. That Defendant be held to have infringed U.S. Patent No. 8,253,743 under 35

U.S.C. §271.

64. That Defendant acted with knowledge of the '743 patent in suit.

65. That judgment be entered for Plaintiff against Defendant, for Plaintiff's actual damages according to proof, and for any additional profits attributable to infringements of Plaintiffs' patent rights, in accordance with proof and for enhanced damages under 35 U.S.C. §284 and §285.

66. That judgment be entered for Plaintiff against Defendant, adequate to compensate Plaintiff, for reasonable royalties and/or other statutory damages based upon Defendant's acts of patent infringement and for its other violations of law under 35 U.S.C. §284 and §285.

67. That Defendant be required to account for all gains, profits, and advantages derived from its acts of infringement and for its other violations of law and that Plaintiff be awarded damages in the amount of such profits under 35 U.S.C. §284 and §285.

68. That the actions of Defendant be found willful.

69. That judgment be entered for Plaintiff and against Defendant, for enhancement of the damages awarded for patent infringement under 35 U.S.C. §284 and §285.

70. That the actions of Defendant be found exceptional under 35 U.S.C. §285.

71. That Plaintiff be granted judgment against the Defendant for Plaintiff's costs and attorney's fees under 35 U.S.C. §285 and or the inherent powers of the Court.

72. That the Court grant such other, further, and different relief as the Court deems proper under the circumstances.

DEMAND FOR JURY TRIAL

73. Pursuant to Fed. R. Civ. P. 38(b), Plaintiff hereby demands a trial by jury on all issues raised by the complaint which are properly triable to a jury.

DATED: July 9, 2015

Respectfully submitted,

/s/ Joseph J. Zito
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Attorneys for Plaintiff
GAME AND TECHNOLOGY CO., LTD.